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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके ।
Separate paging is given to this Part in order that it may be filed as a separate compilation

LOK SABHA

The following Bills were introduced in Lok Sabha on 26th February.

Act 1937.

BILL No. 116 OF 1992

A Bill further to amend the Muslim Personal Law (Shariat) Application Act 1937.

BE it enacted by Parliament in the Forty-third Year of the Republic of India as follows:—

Short titele.

1. This Act may be called the Muslim Personal Law (*Shariat*) Application (Amendment) Act, 1992.

Amendment of section 2.

2. In section 2 of the Muslim Personal Law (*Shariat*) Application Act, 1937, the brackets and words "(save questions relating to agricultural land)" shall be omitted.

26 of 1937.

STATEMENT OF OBJECTS AND REASONS

Section 2 of the Muslim Personal Law (*Shariat*) Application Act, 1937, excludes agricultural land, in cases where the parties are Muslims, from the application of the Muslim Personal Law (*Shariat*). This was meant to deprive Muslim daughters, sisters and wives of their share of agricultural land. This discrimination is unfair, illegal, unconstitutional and against the *Shariat*.

It is, therefore, proposed to amend section 2 of the aforesaid Act so as to bring the agricultural land also within the purview of the Act.

Hence this Bill.

NEW DELHI;
July 1, 1992.

SYED SHAHABUDDIN

BILL NO. 146 OF 1992

A Bill to provide for the establishment of a High Court for the State of Manipur.

BE it enacted by Parliament in the Forty-third year of the Republic of India as follows :—

1. This Act may be called the High Court of Manipur Act, 1992. Short title.

2. In this Act, unless the context otherwise requires,— Definitions.

(*a*) "appointed day" means the day which the Central Government may, by notification in the Official Gazette, appoint;

(b) "law" includes any enactment, ordinance, regulation, order, bye-law, rule, scheme, notification or other instrument having, immediately before the appointed day, the force of law in the whole or any part of the existing State of Manipur.

3. (*1*) On and from the appointed day, there shall be established a High Court for the State of Manipur to be known as the High Court of Manipur. Establishment of High Court of Manipur.

(*2*) The High Court shall consist of a Chief Justice and such number of other Judges as the President may appoint by warrant under his hand and seal.

Principal seat and other places of sitting of the High Court of Manipur.

4. (*1*) The principal seat of the High Court of Manipur shall be at Imphal.

(*2*) The President may, by notified order, provide for the establishment of a permanent bench or benches of the High Court of Manipur at one or more places within the territories to which the jurisdiction of the High Court of Manipur extends, other than the principal seat of the High Court, and for any matters connected therewith :

Provided that before issuing any order under this sub-section, the President shall consult the Chief Justice of the High Court of Manipur and the Governor of the State of Manipur.

Provision as to advocates.

5. (*1*) On and from the appointed day, in the Advocates Act, 1961, in section 3 in sub-section (*1*),—

(*a*) in clause (*b*), the word "Manipur", wherever it occurs, shall be omitted;

(*b*) after clause (*b*), the following clause shall be inserted namely:—

"(*bb*) for the State of Manipur, to be known as the Bar Council of Manipur;";

(*2*) Any person who, immediately before the appointed day, is an advocate entitled to practise in the common High Court for the States of Assam, Nagaland, Meghalaya, Manipur, Tripura, Mizoram and Arunachal Pradesh (hereinafter referred to as the common High Court) shall be entitled to practise as an advocate in the High Court of Manipur.

(*3*) The right of audience in the High Court of Manipur shall be regulated in accordance with the like principles as are in force with respect to the rights of audience in the common High Court.

Practice and procedure in the High Court of Manipur.

6. Subject to the provisions of this Act, the law in force immediately before the appointed day with respect to practice and procedure in the common High Court shall, with the necessary modifications, apply in relation to the High Court of Manipur.

Custody of seal of the High Court of Manipur.

7. The law in force immediately before the appointed day with respect to the custody of the seal of the common High Court shall, with the necessary modifications, apply with respect to the custody of the Seal of the High Court of Manipur.

Forms of writs and other processes.

8. The law in force immediately before the appointed day with respect to the form of writs and other processes used, issued or awarded by the common High Court shall, with the necessary modifications, apply with respect to the form of writs and other processes used, issued or awarded by the High Court of Manipur.

Powers of Judges.

9. The law in force immediately before the appointed day with respect to the powers of the Chief Justice, single Judges and division Courts of the common High Court shall, and with respect to all matters, ancillary to the exercise of those powers shall, with the necessary modifications, apply in relation to the High Court of Manipur.

Procedure as to appeals to Supreme Court.

10. The law in force immediately before the appointed day relating to appeals to the Supreme Court from the common High Court and the Judges and division Courts thereof shall, with the necessary modifications, apply in relation to the High Court of Manipur.

Transfer of proceedings from the common High Court of Assam, Nagaland, Meghalaya Manipur, Tripura, Mizoram, and Arunachal Pradesh.

11. (*1*) On and from the appointed day, all proceedings pending in the common High Court, which have arisen from the territory of Manipur, shall stand transferred to the High Court of Manipur.

(*2*) Every proceeding transferred under sub-section (*1*) shall be disposed of by the High Court of Manipur as if such proceeding was entertained by that High Court.

Interpretations.

12. For the purposes of section 11,—

(*a*) proceedings shall be deemed to be pending in a court until that court has disposed of all issues between the parties, including any issues with respect to the taxation of the costs of the proceedings and shall include appeals, applications for leave to appeal to the Supreme Court, applications for review, petitions for revision and petitions for writs; and

(*b*) references to a High Court shall be construed as including references to a Judge or division court thereof; and references to an order made by a court or a Judge shall be construed as including references to a sentence, judgement or decree passed or made by that court or Judge.

Right to appear or to act in proceedings transferred to the High Court of Manipur.

13. Any person who, immediately before the appointed day, is an advocate entitled to practise in the common High Court and was authorised to appear or to act in any proceedings transferred from the said High Court to the High Court of Manipur under section 11 shall have the right to appear or to act, as the case may be in the High Court of Manipur in relation to those proceedings.

Saving.

14. Nothing in this Act shall affect the application to the High Court of Manipur of any provisions of the Constitution, and this Act shall have effect subject to any provision that may be made on or after the appointed day with respect to that High Court by the Legislative Assembly of the State of Manipur or other authority having power to make such provisions.

STATEMENT OF OBJECTS AND REASONS

There has been a persistent demand for the establishment of a separate High Court of Manipur at Imphal. At present, a permanent Bench of the common High Court for the State of Assam, Nagaland, Meghalaya, Manipur, Tripura, Mizoram and Arunachal Pradesh sits at Imphal. This Bench has failed to meet the demands and the aspirations of the people of the State of Manipur. More than 2,000 cases have been pending in the common High Court, which sits at Guwahati, for quite a long time.

The people of Manipur have to travel a long distance for reaching Guwahati from Imphal and they have to cross the State of Nagaland for the purpose. They have to spend a large amount on journey to and for and accommodation at Guwahati. Therefore, it would be appropriate if a separate High Court of Manipur with its principal seat at Imphal is established. It will be a step towards the provisions of speedy and cheap justice to the litigant people of Manipur.

The Bill seeks to achieve the above objective.

NEW DELHI;
November 25, 1991.

Y. YAIMA SINGH

PRESIDENT'S RECOMMENDATION UNDER ARTICLE 117 OF THE CONSTITUTION OF INDIA

[Copy of letter No. K. 15019/16/91-Desk. I, dated 6 July 1992 from Shri K. Vijaya Bhaskara Reddy, Minister of Law, Justice and Company Affairs to the Secretary-General, Lok Sabha.]

The President, having been informed of the subject matter of the High Court of Manipur Bill, 1992 by Shri Y. Yaima Singh, Member of Parliament, recommends under clauses (1) and (3) of article 117, of the Constitution, the introduction and consideration of the Bill in Lok Sabha.

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the establishment of a High Court for the State of Manipur. It also provides that the High Court shall consist of a Chief Justice and such number of other Judges as the President may appoint. The salary, etc. of the Judges and the expenses relating to the officers and servants of the High Court shall be met by the State of Manipur from its own Consolidated Fund. However, the pension which shall be payable to the Chief Justice and the other Judges shall be an expenditure charged on the Consolidated Fund of India. At present it cannot be estimated how much amount will be required for the payment of pension to the Judges. The expenditure will start when a Judge retires from the High Court. It is estimated that on this account an annual recurring expenditure of about rupees five lakhs will be required to be met out of the Consolidated Fund of India.

No non-recurring expenditure is likely to be incurred.

BILL No. 156 OF 1992

A Bill to provide for special educational facilities to the children of parents living below poverty line and for matters connected therewith

BE it enacted by Parliament in the Forty-third Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Special Educational Facilities (For Children of Parents Living Below Poverty Line) Act, 1992.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) "appropriate Government" means the Central Government or the State Government, as the case may be;

(*b*) "parents living below poverty line" means all such parents whose income from all sources is below rupees seven hundred per month; and

(*c*) "prescribed" means prescribed by rules made under this Act.

Facilities to children born of parents living below poverty line.

3. It shall be the duty of the appropriate Government to provide to every child born of parents living below poverty line, the following facilities, namely:—

(*a*) free education from school level to the post graduate level including higher medical and technical education; and

(*b*) free hostel facilities, uniform, books, stationery, transportation and such other assistance and facilities as are required for the proper education of the children.

Provision of scholarships to be given to children born of parents living below poverty line.

4. The appropriate Government shall, in deserving cases, provide monthly scholarships at such rates, as may be prescribed, to the children of parents living below poverty line while they are pursuing their education.

Power to make rules.

5. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of the Act.

STATEMENT OF OBJECTS AND REASONS

About forty per cent. of the total population of our country lives below the poverty line. Their income is meagre and they struggle throughout their life just to make both ends meet. They are a poor lot and can not even think of having primary education. As spread of education and establishment of a classless society is the fundamental objective of our constitution, the Government should provide free educational facilities to the children of those parents whose family income is less than rupees seven hundred per month. They should also be provided with books, uniforms, stationery, transportation and hostel facilities. Such a step will help them in getting better opportunities of employment and also in raising their standard of living. It will be a great leap in the direction of achieving the target of eradicating illeteracy from the country and for providing education to all.

The Bill seeks to achieve the above objective.

NEW DELHI;

July 10, 1992.

DILEEPBHAI SANGHANI

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for free education including higher medical and technical education, etc. by the appropriate Government to the children born of parents living below poverty line. It also seeks to provide for facilities such as free hostel, uniform, etc. to such children. Clause 4 provides for scholarships to be given, in deserving cases, to such children. The Central Government has to bear the expenditure involved in respect of Union territories. The respective State Governments shall bear the expenditure involved in respect of their States. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees five hundred crores per annum.

A non-recurring expenditure of about rupees two hundred crores is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 5 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. Since the rules to be made will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL No. 143 OF 1992

A Bill to provide for determining domicile requirement and transferability for public employment

BE it enacted by Parliament in the Forty-third Year of the Republic of India as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the Public Employment (Field of Selection, Domicile Requirement and Transferability) Act, 1992.

(*2*) It extends to the whole of India.

(*3*) It shall come into force with effect from such date as the Central Government or the State Government, as the case may be, may, by notification in their official Gazette, appoint.

Public employment shall be subject to requirement of residence within the field of selection.

2. (*1*) All public employment shall be subject to the requirement of residence within the field of selection.

(*2*) The field of selection shall be as follows:—

(*a*) GROUP A Posts:— The country as a whole, if the employment is under the Central Government, and within the State or the Union territory, if the employment is under a State Government or Union territory Administration;

(*b*) GROUP B Posts:—The State, if the employment is under the Central Government, and within a division or a pre-defined region consisting of not more than four contiguous districts, if the employment is under a State Government or Union territory administration;

(*c*) GROUP C Posts:—The District, if the employment is under the Central Government or a State Government or Union territory Administration;

(*d*) GROUP D Posts:—The Sub-division of Tehsil or Taluk, if the employment is under the Central Government or a State Government or Union territory Administration.

(*3*) In case of non-availability of suitable candidates with the prescribed minimum qualification within the field of selection, the recruiting authority may, with the approval of the controlling authority, suitably enlarge the field of selection to include the immediately contiguous field of selection for posts of the same Group.

Transfers of public employees.

3. (*1*) The area of transferability for each group of posts shall be coterminous with the field of selection.

(*2*) No public employee shall be transferred from one post to the other before completion of three years service from the date of prior posting except in public interest, for reasons to be recorded in writing by the controlling authority:

Provided that the employee may himself seek pre-mature transfer on compassionate grounds in which case no transfer grants or travelling allowance shall be payable to him nor shall he be entitled to any joining time.

(*3*) No public employee shall be retained at the place of posting beyond three years, except for reasons to be recorded in writing, by the controlling authority and even then for not more than two terms not exceeding six months in each case.

Repeal of Act No. 44 of 1957.

4. The Public Employment (Requirement as to Residence) Act, 1957 is hereby repealed.

STATEMENT OF OBJECTS AND REASONS

The Constitution of India stands for equality before law and bars discrimination on ground only of place of birth and establishes equality of opportunity for all citizens in matters of public employment. However, article 16(3) empowers the Parliament to prescribe any requirement as to residence within a State or Union territory in regard to a class or classes of employment or appointment to an office under the Government of that State or in a local or other authority therein.

The Public Employment (Requirement as to Residence) Act, 1957, which was intended to do away with domicile requirement has been a dead letter in practice and for reason of convenience and because of the linguistic problem, most recruiting authorities have prescribed domicile requirement under one ground or the other. In fact, therefore, the 'son of the soil' theory is becoming more and more accepted under democratic pressure. There are wide disparities in employment opportunities among various States and within each State there are regions which are relatively underpresented in public employment and even within the region itself, at various levels.

It stands to reason and appears to be just that public service in lower grades should be manned locally, so long as persons with the requisite minimum qualification are available, because the local population has an immediate and, therefore, a preferential claim. This would also be in public interest because such posts are largely not transferable or the incumbents are transferable within a small zone.

To regulate this matter, it is proposed to prescribe a national guideline, which would define for every category of public service, a field of selection and a zone of transferability.

Finally, pre-mature transfer of public servants, because of political intervention, has reached a proportion which also need to be regulated. Such premature transfers consume public money and demoralise public servants and affect the efficiency and integrity. Similarly, prolonged extension in transferable post is also against public interest. Generally, every public servant should be permitted to complete but not to overstay his term, except in public interes for reasons to be recorded in writing by the controlling authority.

Hence this Bill.

NEW DELHI;
July 13, 1992.

SYED SHAHABUDDIN.

BILL No. 152 OF 1992

A Bill to provide for reservation of posts in public employment and of seats in higher educational institutions for various categories of persons belonging to economically weaker sections of the people.

BE it enacted by Parliament in the Forty-third Year of the Republic of India as follows:—

1. This Act may be called the Reservation for Economically Weaker Sections of the People (Higher Education and Public Employment) Act, 1992. Short title.

2. In this Act,— Definitions.

(*a*) "economically weaker sections of the people" means and includes families, irrespective of religion, race, caste, descent, place of origin or any of them, whose per capita aggregate income from all sources, including the individual income of all its members, does not exceed the average national per capita aggregate income for the last three years;

(*b*) "higher castes" means Brahmins, Rajputs and Vaishiyas and include all the sub-castes thereof;

(*c*) "higher education" means education at a level higher than the secondary, professional or otherwise, and includes post-graduate education;

(*d*) "other backward classes" means other Hindu sub-castes, not being Scheduled Castes or Scheduled Tribes; and

(*e*) "public employment" means appointment to a public service or post under the Central Government in connection with the affairs of the Union and includes appointment to a post in an undertaking of the Central Government or an institution or an organisation or a society, engaged in any activities, fifty-one per cent of whose capital or recurring expenditure has been contributed directly or indirectly by the Central Government.

Explanation.—For the purposes of this Act, "appointment" does not include promotion from a lower post to a higher post on the basis of seniority or merit or fitness or any combination thereof, so long as the selections is internal.

Reservation in public employment.

3. (*1*) There shall be reservation in public employment for candidates belonging to economically weaker sections of the people.

(*2*) Such employment or appointment shall be apportioned among various identifiable social groups *i.e.*, the Scheduled Castes, the Scheduled Tribes, the other backward classes and higher castes as well as religious minorities in proportion to their population in the field of selection; *i.e.*, panchayat, block, district, State or the Union, as the case may be:

Provided that reservation in favour of the Scheduled Castes and Scheduled Tribes shall be in proportion to their population in the field of selection, while the reservation for the other social groups shall be in proportion to fifty per cent. of their population in the field of selection:

Provided further that a sub-group which forms five per cent. or more of the population of the field of selection may be treated as a separate group if it so desires and a social group which forms less than five per cent. of the population of the field of selection may be joined with another social group of its choice

Reservation in educational institutions.

4. (*1*) Fifty per cent. of the seats in a higher educational institution at each point of intake shall be reserved for candidates belonging to the economically weaker sections of the people.

(*2*) The reservation in educational institutions shall be apportioned in the same manner as laid down in sub-section (*2*) of section 3.

5. No individual beneficiary shall be entitled to avail of the benefit of reservation in public employment more than once in his life. Beneficiary avail of the benefit of reservation in public employment only once in life time.

6. The descendant of any beneficiary of reservation in public employment for Groups A and B posts shall not be entitled to the benefit of reservation in public employment. Descendants of beneficiaries of reservation for Groups A and B posts not to be entitled for reservation.

7. Minimum qualifications for public employment or for admission to educational institutions shall be uniform and shall not be relaxed. Minimum qualifications not to be relaxed.

8. There shall be no reservation in promotion within a service or a cadre and promotion shall depend solely on the relative performance and merit of all those in the zone of promotion as defined under the relevant rules. No reservation for promotion.

9. The quantum of reservation in favour of any group which remains un-utilised for lack of candidates fulfilling the minimum qualification or requirement of eligiblity shall be re-distributed among the candidates of other social groups in proportion to their surplus of qualified and eligible candidates failing which the vacancies shall be transferred to the non-reserved pool. Redistribution of reservation quota.

10. The Central Government may make frame scheme or schemes for reservation and to announce roster or rosters for the application of this Act. Power to make rules.

STATEMENT OF OBJECTS AND REASONS

At present reservation in public employment and in higher education is available mainly to two social groups namely Schedule Castes and Scheduled Tribes. In some State reservation has been extended to other backward classes which are socially and educationally backward. In some cases such extension is subject to the economic means test. So far, other social groups, mainly the higher castes of the Hindu community and the other religious communities, do not fall under the purview of the scheme of reservation. The economically weaker sections of the higher caste groups as well as the religious minorities as a whole are generally under-represented both in public employment and in higher education. This under-representation sets up a vicious circle in which they are unable to benefit from the process of development, on one hand, and contribute to the process, on the other.

Also the existing scheme of reservation has created anomalies even within the sections who are benefited. Under these schemes, the relatively richer and socially advanced; sub-sections corner the benefits and such benefits are transmitted from generation to generation, thus creating another exclusive and preferential group in society. This the poor majority in all sections of our people have been deprived of benefits which arise from protective discrimination such as reservation.

A universal economic criterion is needed to bring under the purview of the scheme of reservation the weaker sections of all social groups irrespective of their caste or community. At the same time, in order to universalise the benefits, the total quantum of reservation should be apportioned amongst the various social groups in proportion to their population within the field of selection. Keeping in view the requirements of good administration, every social group should receive a weightage of 50 per cent, with the exception of the Scheduled Castes and Scheduled Tribes which, for historical reasons, should receive 100 per cent weightage. Thus a ceiling of 61.25 per cent on the total quantum of reservation will safeguard the interest of social justice as well as administrative efficiency and provide incentive to merit and pursuit of excellence. It is also desirable that minimum standards of qualifications for admission to higher education or for public employment should not be eroded and there should be no carry-over from year to year of unutilised quantum of reservation, so that posts and seats are not kept vacant which would be a national loss.

Finally, the benefit of reservation in education or employment should not go to the same person or to the same family more than once so as to ensure a more equitable and widespread coverage of society.

Hence this Bill.

NEW DELHI;
July 13, 1992.

SYED SHAHABUDDIN

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill empowers the Central Government to make rules and to frame scheme or schemes for reservation and for carrying out the purposes of the Bill. The rules will relate to matter of detail only and as such the delegation of legislative power is of a normal character.

BILL No. 155 OF 1992

A Bill to amend the Muslim Women (Protection of Rights on Divorce) Act, 1986.

BE it enacted by Parliament in the Forty-third Year of the Republic of India as follows:—

Short title

1. This Act may be called the Muslim women (Protection of Rights on Divorce) Amendment Act, 1992.

Substitution of new long title for the existing long title.

2. In the Muslim women (Protection of Rights on Divorce) Act, 1986 (hereinafter referred to as of the principal Act), for the long title, the following long title shall be substituted, namely:—

"An Act to codify and enforce the rights of divorced Muslim women under the *Shariat* and to provide for matters connected therewith or incidental thereto.".

Amendment of section 2.

3. In section 2 of the principal Act, for clause (*b*), the following clause shall be substituted, namely:—

"(*b*) "*iddat* period" means, the period for which the divorced women is prohibited from re-marriage under the *Shariat*;";

Amendment of section 3.

4. In section 3 of the principal Act,—

(*i*) for sub-section (1), the following sub-section shall be substituted, namely:—

"(*1*) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, a divorced woman shall be entitled to— 2 of 1974.

(*a*) a reasonable and fair maintenance during the *iddat* period to be paid to her within the *iddat* period by her former husband;

(*b*) a reasonable and fair provision to be made by her former husband to her for education and up bringing of their children for a period of two years from the respective dates of birth of such children, provided she exercises her option of custody of children:

Provided that nothing contained in this clause shall affect the entitlement of any minor child in the custody of the mother to receive a reasonable and fair maintenance from his father in accordance with the *Shariat;*

(*c*) an amount equal to the sum of *mahr* or the part thereof which remains unpaid on the date of divorce; and

(*d*) all her properties including gifts made to her before or at the time of marriage or after her marriage by her relatives or friends or the husband or any relatives of the husband or his friends.";

(*ii*) after sub-section (1), the following sub-sections shall be inserted, namely:—

"(*1A*) Where the marriage has not been consummated, a divorced woman shall be entitled only to a reasonable gift as determined by a Magistrate, if no *mahr* had been agreed upon or if agreed, remained unpaid at the time of divorce.

(*1B*) Where the divorce has been given at the instance of the wife, terms agreed to at the time of divorce shall prevail.".

(*iii*) for sub-section (2), the following sub-section shall be substituted, namely:—

"(*2*) Where a reasonable and fair maintenance or *mahr* as due has not been paid or a reasonable and fair provision has not been made for the maintenance of the children, or her properties referred to in clause (d) of sub-section (1), have not been delivered to a divorced woman on her divorce, she or any one duly authorised by her, on her behalf, may make an appli-

cation to a Magistrate for an order for payment of such maintenance, *mahr* or provision or the delivery of such properties, as the case may be."; and

(*iv*) in sub-section (3), for the portion beginning with the words "Where an application has been made under sub-section (2) by a divorced woman, the Magistrate may, if he is satisfied that" and ending with the words "have not been delivered to her" the words "Where an application has been made under sub-section (2) by a divorced woman, the Magistrate may, if he is satisfied that the former husband has failed to pay the *mahr* or any part thereof or a reasonable and fair maintenance for the *iddat* period or has failed to make a fair and reasonable provision for the maintenance of children or to deliver the properties" shall be substituted.

Amendment of section 4.

5. In section 4 of the principal Act,—

(*i*) for sub-section (*1*), the following sub-section shall be substituted, namely:—

"(*1*) Notwithstanding any thing contained in the Code of Criminal Procedure, 1973 or in any other law for the time being in force, where a Magistrate is satisfied that a divorced woman has not re-married and is not able to maintain herself after the *iddat* period, he shall make an order directing her blood relatives, in the following order, to pay for her maintenance in the proportion in which they would inherit her property on her death:—

(*i*) her children, if any;

(*ii*) in case there are no children or the children have not attained maturity or having attained majority do not have the means to maintain her, her parents;

(*iii*) in case the parents are not living or do not have the means to maintain her, her brothers or sisters; and

(*iv*) if none of the above are able to maintain her, her nearest living blood relative who, in the opinion of the Magistrate, has the means to maintain her."; and

(*ii*) In sub-section (*2*),—

(*a*) for the words "under the second proviso to sub-section (*1*)", the words "under sub-section (*1*)" shall be substituted;

(*b*) the words ", out of its own funds earmarked for general charitable purposes or a special fund consisting of donations, if any, received for the purpose." shall be added at the end.

Substitution of new section for section 5.

6. For section 5 of the principal Act, the following section shall be substituted, namely:—

Option to remain out of the purview of the Act.

"5. At the first hearing of the application under sub-section (2) of section 3, a divorced woman and her former husband by a joint affidavit may opt out of the application of this Act.".

Substitution of new section for section 7.

7. For section 7 of the principal Act, the following section shall be substituted, namely:—

Transitional provisions.

"7. (1) Any application, appeal or proceeding on the question of maintenance of a divorced woman under the provisions of the 2 of 1974 Code of Criminal Procedure, 1973, pending immediately before the commencement of this Act, shall be disposed of and decided in accordance with the provisions of this Act.

(2) All orders, decisions, decrees made prior to the commencement of this Act for payment of maintenance by the former husband to a divorced woman under the provisions of the code of Criminal Procedure, 1973, shall cease to operate from the date of commencement of this Act.

(3) It shall be open to the divorced woman to make a fresh application for maintenance under the provisions of this Act.

(4) It shall not be open to the former husband to claim refund of the amount already paid.".

STATEMENT OF OBJECTS AND REASONS

The Muslim Women (Protection of Rights on Divorce) Act, 1986, was enacted in May, 1986. Its introduction and enactment was accompanied by a national controversy and that controversy has not abated even now. In fact, a plethora of orders and judgements, from the level of the lower courts to that of the High Court on the application of this Act have added to the confusion, while its constitutionality itself remains under challenge in the Supreme Court.

The Act was supposed to codify the Shariat Law on the maintenance of Muslim divorcees. However, many provisions of this Act are not wholly in accordance with the Shariat. Thus a sense of unease persists in the minds of the Muslim community. At the time of its passage through the Parliament a large number of amendments were proposed but either they were not pressed or they were voted out because it was felt in the then existing political situation that the Bill should be passed as it was, and later amended, if necessary. Of late, a number of Muslim organisations have asked for a review and possible amendment to the Act to bring it in line with the Shariat as well as to fill in any lacuna or omissions that have come to light.

Hence this Bill.

SYED SHAHABUDDIN

NEW DELHI;
August 3, 1992.

BILL NO. 151 OF 1992

A Bill further to amend the Constitution of India

Be it enacted by Parliament in the Forty-third Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1992. Short title.

2. In article 30 of the Constitution, in clause (*1*), the following provios shall be inserted at the end, namely:— Amendment of article 30.

"Provided that no law, ordinance, order, bye-law, rule, regulation or notification;

(*i*) prescribing reservation of seats for the students of any community other than the one which has estabished the minority institution;

(*ii*) dealing with the administration of day to day disciplinary matters,

shall be applicable to the minority institutions established under this article.".

STATEMENT OF OBJECTS AND REASONS

Article 30 of the Constitution gives to the minorities, whether based on religon or language, the right to establish and administer educational institutions of their choice. However, the Tamil Nadu Government has recently made amendments to the Tamil Nadu Private School (Regulations) Act, 1973 and Tamil Nadu Private College (Regulations) Act, 1976 providing for filling up of only fifty per cent. of seats by students belonging to the minority community and the remaining fifty per cent. according to the reservation policy of the Governmen. It also makes provisions which will give discretion to the authorities to interfere in the administration and even in disciplinary matters of the minority schools. These amendments hit at the basic and essential character of the minority institutions and will result in the educational, economic and social stagnation of the minority communities. The minorities should be allowed to run their institutions in the manner they like. Reservation policies of the Government should not be applicable to them.

Hence, there is need to amend the Constitution so as to maintain the character of minority institutions. This will go a long way in the educational and economic upliftment of the minorities.

NEW DELHI;
August 5, 1992.

B. AKBAR PASHA

BILL NO. 166 OF 1992

A Bill further to amend the Indian Penal Code.

Be it enacted by Parliament in the Forty-third Year of the Republic of India as follows :—

Short title and commencement.

1. (1) This Act may be called the Indian Penal Code (Amendment) Act, 1992.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of section 302.

45 of 1860.

2. In section 302 of the Indian Penal Code (hereinafter referred to as the principal Act), the words "death or" shall be omitted.

Amendment of section 396.

3. In section 396 of the principal Act, the words "death, or" shall be omitted.

STATEMENT OF OBJECTS AND REASONS

The Indian Penal Code came into force in the year 1860. This was the time when the first war of independence had just concluded. The British Government included the provision of awarding death sentence in the Indian Penal Code as a retaliatory move and was with a view to give death sentence to the revolting freedom fighters. It was used to the maximum extent possible against the revolutionaries seeking independence. Since we are celebrating the fiftieth anniversary of the last struggle of independence war i.e. Quit India Movement, there is no justification of retaining this colonial and inhuman provision of law. All the civilized countries in the world have abolished the provision of death sentence in their respective countries. There is no justification in keeing alive this inhuman legal provision of servitude in India, who is a champion of independence. Therefore, it would be appropriate to abolish the provision of death sentence as its continuation is only strengthening the regional tensions in the country. Awarding of death sentence to the misguided youth, who are committing murders on regional issues, is increasing general discontentment and in this the successonist forces in the country have gained a new weapon. Therefore, it would be in the fitness of the things to abolish the provision of death sentence.

NEW DELHI;
October 30, 1992.

MOHAN SINGH

BILL No. 165 OF 1992

A Bill further to amend the Criminal Law Amendment Act, 1932.

BE it enacted by Parliament in the Forty-third Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Criminal Law Amendment (Amending) Act, 1992.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Ommission of section 7.

2. Section 7 of the Criminal Law Amendment Act, 1932 (hereinafter referred to as the principal Act), shall be omitted.

XXIII of 1932.

Amendment of section 9.

3. In section 9 of the principal Act,—

(*i*) in clause (*ii*), for the words "sections 5 or 7", the words "section 5" shall be substituted; and

(*ii*) clause (*iv*) shall be omitted.

STATEMENT OF OBJECTS AND REASONS

The Criminal Law Amendment Act was passed in 1932 by the then British Government in order to suppress the civil disobedience movement launched by the torch-bearers of freedom struggle under the leadership of Mahatma Gandhi. The salt struggle was at its peak. Congressmen were picketing the government offices. In order to kill the movement, British Government officials wanted some barbaric laws to deal the non-violent freedom fighters with iron hands. This black law, a symbol of colonial power, is still being frequently used by police in free India. All the movements are being suppressed in the same old fashion. Police usually invokes this draconian law, particularly section 7 of this Act, against all those peaceful fighters who struggle to express just and genuine grievances of the people.

The Bill, therefore, seeks to omit section 7 of the said Act.

NEW DELHI;
October 30, 1992.

MOHAN SINGH

BILL NO. 178 OF 1992

A Bill to establish and maintain a teaching and residential University at Allahabad and for matters connected therewith.

BE it enacted by Parliament in the Forty-third Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the University of Allahabad Act, 1992.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Establishment of a University at Allahabad.

2. There shall be established and maintained a teaching and residential University at Allahabad (hereinafter referred to as the University) by the Central Government.

Officers of the University.

3. (*1*) The President of India shall be the Chancellor of the University.

(2) The Chancellor of the University shall appoint such person as Vice-Chancellor as he may deem fit and appoint such other Officer as may be required.

Power to make rules.

4. (*1*) The Central Government may, by notification in the Official Gazette, make rules for the efficient functioning of the University.

(*2*) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely:—

(*a*) the terms and conditions of service of Officers of the University;

(*b*) appointment of authorities of the University;

(c) provision of instructions in such branches of learing as the University may, from time to time, determine and to make provision for research and for the advancemnt and dissemination of knowledge;

(*d*) the institution of Principalships, Professorship, Readerships, Lecturerships, and other teaching or academic posts required by the University and to appoint persons to such Principalships, Professorships, Readerships, Lecturerships or other posts;

(*e*) creation of administrative, ministerial and other posts and appointments thereto; and

(*f*) performance of all such other acts and things as may be necessary, incidental or conductive to the attainment of all or any of the objects of the University.

STATEMENT OF OBJECTS AND REASONS

The Allahabad University is one of the oldest University of the country. The Uttar Pradesh Government took over the control of the University in 1961. The University is facing acute financial crisis. As the State of Uttar Pradesh itself is reeling under acute shortage of resources, it has not been able to help the Allahabad University. The Central Government had earlier proposed that those Universities which have completed one hundred years should be converted into Central Universities so that they could make greater contribution in the field of education.

Accordingly, it is proposed to convert Allahabad University into a Central University.

Hence this Bill.

NEW DELHI;
October 30, 1992.

MOHAN SINGH.

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for the establishment and maintenance of the Central University at Allahabad. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India in respect of expenses in connection with the proposed University. It is estimated that a recurring expenditure of about rupees ten crores per annum is likely to be involved.

No non-recurring expenditure is likely to be involved in as much as only the existing University is converted into a Central University.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 4 of the Bill empowers the Central Government to make rules for carrying out the provisions of the Bill. As the rules to be made relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 173 *of* 1992

A Bill to provide for mercy killing of persons who have become completely invalid and bed-ridden or are suffering from an incurable disease.

BE it enacted by Parliament in the Forty-third Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Mercy Killing Act, 1992.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) "Medical Board" means a Medical Board constituted by the State Government under section 4; and

(*b*) "mercy killing" means medically taking away the life a person suffering from an incurable disease or who has become completely invalid due to any reasons.

persons who can apply for mercy killing.

3. A person shall have the option to file an application for mercy killing with the Civil Surgeon of the District Hospital concerned, if he falls under any of the following categories of persons, namely:—

(*a*) persons who are completely invalid and are bed-ridden due to accident, disease or by birth and have been so declared by a competent medical authority;

(*b*) persons who have been suffering from a disease declared as incurable by a competent medical authority.

Medical Board to examine the patient.

4. On receipt of an application for mercy killing from a person, the Civil Surgeon of the District Hospital shall place the application before a Medical Board, constituted in the manner to be prescribed in the rules, who shall examine the applicant patient.

Certificate to be issued by the Medical Board.

5. If the Medical Board after examining the applicant patient thoroughly is satisfied by a majority vote of seventy-five per cent. that the patient suffers from a disease which is incurable in India or is physically invalid and bed-ridden, they shall issue a certificate to the patient recommending his case for mercy killing with the reasons recorded therein for such recommendation.

Filing of application in the Court of District judge.

6. When the case of a patient is recommended by the Medical Board under section 5, he may file an application for mercy killing supported by the certificate of the Medical Board in the Court of the District Judge.

District Judge to hear the patient and grant permission.

7. On receipt of an application for mercy killing, the District Judge shall enquire from the applicant patient why he desires to be killed, and if the District Judge is satisfied after hearing the patient that he actually and without any extraneous influence of any kind desires to be killed he shall grant the application of the patient and give permission in the prescribed form.

Civil Surgeon to put an end to the life of the applicant.

8. On production of the permission from District Judge, the Civil Surgeon or the Chief Medical Officer of the District shall put an end to the life of the applicant patient in the manner to be prescribed.

Power to make rules.

9. (*1*) The Central Government shall make rules to carry out the purposes of the Act.

(*2*) Every rule framed by the Central Government shall be laid before each House of Parliament before it becomes effective.

STATEMENT OF OBJECTS AND REASONS

Thousands of people in this country are either completely invalid or are suffering from diseases of which there is no treatment available in India. They are burden to themselves, to their families as well as to the society. They wish to be killed but, there being no provision under the law of the country, doctors take no action in that direction knowing fully well that they cannot be cured.

To relieve those thousands of persons from their sufferings, the proposed legislation is desirable.

Hence this Bill.

NEW DELHI;
August 19, 1992.

VASANT PAWAR

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Central Government to frame rules to carry out the purposes of the Act, which include the manner of constitution of the Medical Board, the form in which the permission is to be given by the District Judge for mercy killing and the manner in which the mercy killing is to be done. These are matters of detail. The delegation of legislative power is, therefore, of a normal character.

BILL No. 174 OF 1992

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Forty-third Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1992. Short title.

2. In article 174 of the Constitution, in clause (*1*), the following proviso shall be added at the end, namely:— Amendment of article 174.

"Provided that the House or each House of the Legislature of the State shall remain in session for not less than one hundred and fifty days in a year.".

STATEMENT OF OBJECTS AND REASONS

Of late, it has been observed that the sittings of State Legislature are held infrequently and for a shorter duration. Often, sessions of many State Legislatures are held only to fulfil constitutional obligation, that is, that there shall not be a gap of more than six months between the last sitting of one session and the first sitting of the next session.

Therefore, it is proposed to amend the Constitution to provide that State Legislature shall remain in session for a period of not less than one hundred and fifty days in a year.

NEW DELHI; MOHAN SINGH.

November 2, 1992.

BILL No. 175 OF 1992

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Forty-third Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Amendment) Act, 1992.

Amendment of Eighth Schedule.

2. In the Eighth Schedule to the Constitution,—

(*a*) existing entries 3 to 13 shall be re-numbered as entries 4 to 14 respectively, and before entry 4 as so re-numbered, the entry "3. Bhojpuri." shall be inserted;

(*b*) existing entries 14 to 18 shall be re-numbered, as entries 16 to 20 respectively, and before entry 16 as so re-numbered, the entry "15. Rajasthani." shall be inserted.

STATEMENT OF OBJECTS AND REASONS

Rajasthani is a rich language. It has its own rich literature, grammar and glossary. It has all the qualities which are required in a modern Indian Language. It is a language of Aryans' family and its script is Devanagari. Like all other Indian languages, it is the daughter of Sanskrit. It has very close links with Hindi, Gujarati and Punjabi languages. It is the language of common man in Rajasthan and is also called Marwari language. Its ancient name is *Dingal*. This language has been recognised by the Sahitya Akademi as a literary language.

Rajasthani language is spoken by more than one crore people. It is also spoken by Rajasthani business community living out of Rajasthan.

As Rajasthani language has close links with Hindi language, its inclusion in the Eighth Schedule to the Constitution will also strengthen the Hindi language. Crores of Rajasthani people aspire to get their mother tongue included in the Eighth Schedule.

Bhojpuri is also a spoken language of most of the people of Bihar and Uttar Pradesh. It has its own rich literature and is also important from historical and cultural point of view. It has its vocabulary also. It is the long standing demand of the people that Bhojpuri be included in the Eighth Schedule to the Constitution.

Hence this Bill.

NEW DELHI;
November 11, 1992.

RASA SINGH RAWAT

BILL NO. 4 OF 1993

A Bill further to amend the Cinematograph Act, 1952.

BE it enacted by Parliament in the Forty-fourth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Cinematograph (Amendment) Act, 1993.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of section 5B.

37 of 1952.

2. In section 5B of the Cinematograph Act, 1952, in sub-section (*1*), after the words "or contempt of court", the words "or depicts violence by using arms or by any other means" shall be inserted.

STATEMENT OF OBJECTS AND REASONS

There is an increasing tendency to show violent scenes in our movies. A large number of our people are uneducated, unemployed and poor. This section of population can easily be influenced to committing of crimes by continuously watching violent scenes in movies. Many crimes in our country are committed under the influence of violent scenes in our movies.

It is, therefore, proposed to ban violent scenes in movies and to provide that any film containing violent scenes shall not be certified for public exhibition.

Hence this Bill.

NEW DELHI;
November 20, 1992.

HARIN PATHAK.

BILL No. 3 OF 1993

A Bill further to amend the Indian Medicine Central Council Act, 1970

BE it enacted by Parliament in the Forty-fourth Year of the Republic of India as follows:—

1. This Act may be called Indian Medicine Central Council (Amendment) Act, 1993. **Short title.**

48 of 1970. 2. In section 2 of the Indian Medicine Central Council Act, 1970 (hereinafter referred to as the principal Act); in sub-section (*1*), after clause (e), the following clause shall be inserted, namely:— **Amendment of section 2.**

"(*ee*) "Integrated medicine" means con-joint study, training and practice in Indian Medicine and in modern scientific medicine in all its branches including surgery and obstetrics.".

Amendment of section 14.

3. In section 14 of the principal Act, for sub-section (*1*), the following sub-section shall be substituted, namely:—

"(*1*) The Central Government may, by notification in the Official Gazette,—

(*a*) determine the appropriateness of the medical qualifications granted by the University, Board or other medical institutions in India, which the Central Government may from time to time include in the Second Schedule as recognised medical qualifications for the purposes of this Act; and

(*b*) determine the qualifications for practitioners in Integrated medicine.".

Amendment of section 17.

4. In section 17 of the principal Act, after sub-section (4), the following sub-section shall be inserted, namely:—

"(5) Nothing contained in any law for the time being in force shall affect the rights of the practitioners qualified in Integrated medicine including the right to practice modern scientific medicine in all its branches including surgery and obstetrics, in any part of India.".

Substitution of New Schedule for Second Schedule.

5. For the Second Schedule to the principal Act, the following Schedule shall be substituted, namely:

"THE SECOND SCHEDULE

(*See* Section 14)

Part I Qualifications in Integrated medicine.

Part II : Qualifications other than the qualifications in Integrated medicine.".

STATEMENT OF OBJECTS AND REASONS

There are about fifty thousand Integrated Medical practitioners in India who have undergone regular institutional course of training for four to six years of statutory Universities or State Boards or Faculties after School Leaving or Intermediate Science Examinations. The course consists of training in Ayurvedic as well as modern system of medicine.

At present, these Integrated Medical practitioners are grouped in the Second Schedule to the Indian Medicine Central Council Act, 1970, alongwith the practitioners with pure Ayurvedic qualifications and others who have no training or had sub-standard training. An assurance was given on the floor of the Lok Sabha by the Government on December 10, 1970 that these Integrated Medical practitioners will be categorised and shown separately in the Second Schedule under the rule making power. As it is not permissible to change the Schedule to the Act by making use of the rule making power, the assurance has not been fulfilled so far.

Again, recently in the case of Dr. A. K. Subhapathy *versus* State of Kerala, reported in the AIR 1992 Supreme Court page 1310, the Supreme Court has held that the first proviso to section 38 of the Travancore-Cochin Medical practitioners Act, in so far as it empowers the State Government to permit a person to practice allopathic system of medicine even though he does not possess the recognised medical qualifications for the system, is inconsistent with the provisions of sections 15 and 21 read with sections 11 to 14 of the Indian Medical Council Act, 1956. The Supreme Court has, thus, in effect, struck down the power of the State Government to permit persons not qualified in modern medicine to practice allopathy. Over thirty percent of doctors in India do not hail from the modern medicine stream. They will now be barred from prescribing allopathic drugs. Moreover, many specialists in modern medicine employ graduates of system other than allopathy. Now they will also be debarred from doing so. In such circumstances it is necessary to amend the Indian Medicine Central Council Act, 1970.

Hence this Bill.

NEW DELHI;
November 30, 1992.

SHARAD DIGHE

BILL NO. 1 OF 1993

A Bill further to amend the Transfer of Property Act, 1882

BE it enacted by Parliament in the Forty-fourth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Transfer of Property (Amendment) Act, 1993.

Amendment of section 2.

2. In the Transfer of Property Act, 1882 (hereinafter referred to as the principal Act), in section 2, the words "and nothing in the second Chapter of this Act shall be deemed to affect any rule of Muhammadan law" shall be omitted. 4 of 1882.

Substitution of new section for section 129.

3. For section 129 of the principal Act, the following section shall be substituted, namely:—

Saving of donations *mortis causa*.

"129. Nothing in this Chapter relates to gifts of moveable property made in contemplation of death."

4. After section 129 of the principal Act, the following section shall be inserted, namely:— Insertion of new section 129A.

"129A. Nothing shall affect the validity of anything done or any action taken under the provisions of the Act prior to the coming into force of the Transfer of Property (Amendment) Act, 1992.". Saving

STATEMENT OF OBJECTS AND REASONS

Chapter II of the Transfer of Property Act, 1882, deals with transfer of Property by one living person to one or more other living persons. Chapter VII of the Act deals with transfer of certain existing moveable or immoveable property made voluntarily and without consideration by one person to another. Earlier, provisions contained in both of these Chapters did not affect any rule of Hindu or Buddhist law. However, provisions contained in Chapters II and VII of the Act were made applicable to the Hindus and the Buddhists *vide* Act No. 20 of 1929 as it was considered at that time that the provisions contained in these Chapters were consistent with the Hindu and Buddhist laws. Moreover, the amending Act, 20 of 1929 was brought with a view to ease the burden of Courts as they were feeling difficulty in dealing with two laws on the same subject *i.e.* the Transfer of Property Act, 1882 and the laws of Hindus and Buddhists relating to transfer of property.

Although sections 2 and 129 of the Act provide that nothing in Chapters II and VII shall affect any rule of Muhammadan law, yet these sections do not state that provisions contained in these Chapters cannot apply in cases of transfer of property by Muslims. Such a situation leads to confusion in the courts when they decide cases of transfer of property relating to Muslims.

The Bill, therefore, seeks to omit those provisions which gives protection to rules of Muhammadan law in all those cases of transfer of property which fall under the provisions of Chapters II and VII of the Act. The Bill will not only ease the burden of the Courts but will also simplify the cases of transfer of property as the courts will be guided by only one law, *i.e.*, the Transfer of Property Act, 1882, while disposing of such cases.

NEW DELHI; SUMITRA MAHAJAN.

November 11, 1992.

BILL NO. 181 OF 1992

A Bill further to amend the Code of Criminal Procedure, 1973

BE it enacted by Parliament in the Forty-third Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Code of Criminal Procedure (Amendment) Act, 1992.

2 of 1974.

Amendment of section 125.

2. In section 125 of the Code of Criminal Procedure, 1973 (hereinafter referred to as the principal Act), in sub-section (*1*), for the words "at such monthly rate not exceeding five hundred rupees in the whole", the words "at such monthly rate not less than one thousand rupees in the whole" shall be substituted.

Amendment of section 127.

3. In section 127 of the principal Act, in sub-section (*1*), proviso shall be omitted.

STATEMENT OF OBJECTS AND REASONS

At present, the maintenance allowance payable to neglected wives, children and parents is rupees five hundred per month. This amount was fixed long back and since then the prices of all essential commodities have gone very high and it is very difficult for a person to maintain himself with this meagre amount.

With a view to deter the persons who, though having sufficient means, deliberately neglect or refuse to maintain their wives, children and parents from committing such crime, it is proposed to increase maintenance allowance from five hundred rupees per month to one thousand rupees per month. This would also enable the deserted persons to lead a decent and dignified life.

Hence this Bill.

NEW DELHI;
November 11, 1992.

SUMITRA MAHAJAN.

BILL NO. 180 OF 1992

A Bill further to amend the Indian Penal Code

BE it enacted by Parliament in the Forty-third Year of the Republic of India as follows:—

1. This Act may be called the Indian Penal Code (Amendment) Act 1992. Short title.

2. In the Indian Penal Code (hereinafter referred to as the principal Act), section 479 shall be omitted. Omission of section 479.

45 of 1860.

3. Sections 481 to 489 of the principal Act shall be omitted. Omission of sections 481 to 489.

[redacted]ONS

[redacted]

[redacted] Penal Code were enacted at [redacted] had not developed [redacted] modern adv[redacted] to false trade marks and [redacted] Merchandise Marks Act, [redacted] offences relating to trade and [redacted]

[redacted] and sections 481 to 489 [redacted] the [redacted] some minor changes, by the provi[redacted] of the Trade and Merchandise Marks Act, 1958.

The Trade and Merchandise Marks Act is of a civil nature and contains no provisions for punishing the offenders. Therefore, the penal provisions [redacted] no [redacted] required. Moreover relief can also be sought under [redacted] principles of Law.

[redacted]

SUMITRA MAHAJAN.

[redacted]

[redacted] K. JAIN,

Secretary-General.

[redacted] GOVERNMENT OF INDIA PRESS, MINTO ROAD, NEW DELHI
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